

REMARKS

Reconsideration and allowance of the application are respectfully requested.

In the Office Action of February 24, 2005, claims 1 and 25-31 were pending in the application and were rejected under the judicially created doctrine of obviousness-type double patenting and/or 35 U.S.C. §102(b) or §103(a). Those rejections, as they might apply to the claims as now amended, are respectfully traversed.

First of all, regarding Paragraphs Nos. 1 and 2 of the Office Action, the Specification has been amended to recite that this application is a continuation of the parent application 09/737,265, so that Applicants obtain the benefit of the filing date of the prior application.

Regarding Paragraph No. 3 of the Action, a terminal disclaimer is being filed contemporaneously herewith to disclaim a term of any patent issuing on this application extending beyond the term of U.S. Patent No. 6,688,911 which issued on the parent application.

Regarding Paragraph No. 4 of the Action, claim 1 has been cancelled and, therefore, that rejection is moot.

Regarding Paragraph Nos. 5 and 6 of the Action, claims 1, 25, 30, 32 and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Johnson et al 5,297,968. Those rejections are respectfully traversed. With claim 1 being cancelled, Applicants will concentrate on independent claims 25 and 32 to which the Examiner primarily addresses.

In regard to independent claim 25, it is respectfully submitted that the Examiner's reconstruction of the Johnson reference is arbitrary and unwarranted. Claim 25 calls for the male body member to have a thickness dimension defined by a separation distance between the portions of the flat circuit extending along opposite sides of the male body member. The Examiner defines this as "T1" which the Examiner marked on the first page of Johnson attached to the Action. Claim 25 then goes on to call for the male body member to also have a dimension extending in the insertion direction, and the Examiner identifies this dimension as "T2" on the attachment to the Action. Claim 25 states that the dimension extending in the insertion direction (T2) is substantially greater than the thickness dimension (T1). The Examiner meets this recitation by placing the double-headed arrow T1 near the distal end or edge of Johnson's male member. It is respectfully submitted that this "T1" is not the thickness of the male member but an arbitrary positioning.

For example, assume the Examiner has a ring on one of his fingers. The size of that ring is based on the thickness or circumference of the Examiner's finger. Where is that size dimension taken? Certainly, the size dimension is not taken at the tip of the Examiner's

finger. If the size dimension of the ring is taken as proposed by the Examiner in the Action, the ring would not even begin to fit onto the Examiner's finger. The point is that not only a person skilled in the electrical connector art, but even a layman would know exactly what Applicants are defining by the "thickness dimension" in claim 25. Certainly, the "thickness dimension" would never refer to the "T1" dimension suggested by the Examiner on the Johnson drawing.

Nevertheless, independent claim 25 has been amended to call for the thickness dimension to be defined by a maximum separation distance between the portions of the flat flexible circuit extending along opposite sides of the male body member. Certainly, the "T1" dimension suggested by the Examiner is not at the maximum separation distance of the flat flexible circuit. Clearly, independent claim 25, along with claims 26-31 which depend therefrom, are patentable over Johnson under either 35 U.S.C. §102 or §103.

In regard to independent claim 32, the Examiner again is placing dimensions on the drawing of the Johnson reference, as an attachment to the Action. Independent claim 32 calls for the dimension of the male body member in the insertion direction to be at least equal to the length dimension of the male body member which the Examiner calls a length dimension "L". This position is not well taken. Length dimension "L" in the attachment to the Action does not really show any dimension at all. The attachment is a section through the male connector and not a length depiction. Therefore, Applicants are attaching hereto as Exhibit "A", Figure 3 of Johnson. The length dimension "L" is shown in conjunction with the insertion dimension "T2". It can be seen that the length dimension is many times greater than the insertion dimension. In other words, the insertion dimension is not even close to being at least equal to the length dimension as called for in independent claim 32. Like the recitations of the structure in claim 25, the structural combination in independent claim 32 resists deflection of the male body member at the edge thereof in a direction opposite the insertion direction. The Examiner can easily understand simply by looking at the structure of Johnson, that item 14 in Figure 3 of Johnson could be easily deflected. Clearly, independent claim 32, along with claims 33-41 which depend therefrom, are patentable over Johnson under either 35 U.S.C. §102 or §103.

Regarding Paragraph Nos. 7-9 of the Action, it is respectfully submitted that claims 26-31, 32, 33-36 and 38 are patentable subcombinations of independent claims 25 and 32, for the same reasons as discussed above.

Claims 42 and 43 have been added to afford Applicants the scope of protection to which they are entitled in view of the cited prior art. Specifically, new independent claim 42

is patterned after claim 16 as it existed at the end of the prosecution of parent Application No. 09/737,265. Claim 42 calls for an opening in the female connecting device communicating the receptacle with the outside of the device and remaining open for removably positioning the second conductors from exteriorly of the device in engagement with the first conductors in the receptacle of the female connecting device. This is opposite the Johnson reference where hole 20 is closed and secured in closed condition by printed circuit board 17. Johnson does show a female connecting device 12 having a receptacle for receiving male connecting device 11. However, hole 20 in female housing 12 of Johnson does not communicate the receptacle with the outside of the device and remain open for removably positioning the second conductors from exteriorly of the device. Once male connector 11 of Johnson is mated within the receptacle of female housing 12, the receptacle is closed. Hole 20 is closed by printed circuit board 17. There is no way that second conductor 21 can be removably positioned anywhere in Johnson from exteriorly of the device in engagement with the first conductors. These positions were taken by Applicants in the prosecution of the parent application.

The Examiner responded to the above positions by stating:

During assembling, the second conductors of flat cable 21 is removably through the bottom hole 20 of the housing 12 to engage with the first conductors 16, and the opening G is remaining open. After assembling, the housing 20 of Johnson is SECURED to a printed circuit board 17 by fasteners 18. Therefore, Johnson et al will meet the claim language.

It is not understood how the Examiner can reject a fully assembled connector on a piece of prior art in partially assembled condition. New claim 42 calls for a “connector assembly”. This claim does not call for a “connector part-assembly”. The Examiner admits that housing 20 (12) of Johnson is secured to printed circuit board 17 “after assembly”. What happens if printed circuit board 17 was not secured to housing 12 in assembly? The answer is quite clear: conductor 21 would fall out of the assembly! Nevertheless, independent claim 42 has been amended to call for the opening to communicate with the outside of the device and remain open “after assembly”. It would appear that this amendment is unnecessary since the claim calls for a connector “assembly”, but the amendment clearly removes Johnson as any viable reference at all.

In view of the foregoing, reconsideration of the application, allowance of claims 25-43, and passing the application to issue are respectfully requested.

Respectfully submitted,

MOLEX INCORPORATED

Date:

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By:



Charles S. Cohen
Registration No.: 32,210
Attorney of Record

Mailing Address:

Charles S. Cohen
MOLEX INCORPORATED
2222 Wellington Court
Lisle, Illinois 60532
Tel.: (630) 527-4660
Fax: (630) 416-4962